

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Violet Cook,

Plaintiff,

vs.

Dedra Whitaker, Gary Whitaker, and
VRBO.com, Inc.

Defendant.

Civil Action No.: 4:24-cv 5705-JD

**COMPLAINT
(JURY TRIAL DEMANDED)**

The Plaintiff would respectfully show unto this Honorable Court:

1. The Plaintiff is a citizen and resident of Ridgeway, in Fairfield County, State of South Carolina.

2. Upon information and belief, Defendants Dedra Whitaker and Gary Whitaker (hereinafter “Defendant Owners”) are citizens and residents of the County of Jefferson, State of Tennessee. Defendant Owners own, manage and/or control the vacation unit located at 400 N. Waccamaw Drive Unit 303, Murrells Inlet, South Carolina where the incident in question occurred on June 18, 2022. As such, Defendant Owners are both individually liable, and vicariously liable for the actions of their agents who owed a duty to search for, discover, warn against, and repair defective conditions discovered in the condo, such as the hazardous condition which is the subject of this lawsuit.

3. Upon information and belief, Defendant VRBO.com, Inc. (hereinafter “Defendant VRBO”) is a Delaware corporation doing business in Horry County, South Carolina. Defendant VRBO operates, manages, markets, rents out, and/or controls the vacation unit located at 400 N. Waccamaw Drive Unit 303, Murrells Inlet, South Carolina where the incident in question occurred on June 18, 2022. As such, Defendant VRBO is vicariously liable for the actions of its agents and

employees who owed a duty to search for, discover, warn against, repair, and/or modify defective and/or hazardous conditions discovered in and on the vacation unit, such as the hazardous condition which is the subject of this lawsuit.

4. Defendant VRBO is headquartered in Austin, Texas.

5. The parties are therefore diverse in citizenship.

6. The amount in controversy exceeds \$75,000, exclusive of costs and fees.

7. This Court has subject matter jurisdiction of this dispute pursuant to 28 U.S.C. §1332.

8. Defendants Owners and Defendant VRBO does business in Horry County, South Carolina, as well as in other counties of the state of South Carolina. Pursuant to S.C. Code Ann. § 36-2-803, the courts of general jurisdiction of the state would have personal jurisdiction of the Defendants.

9. That the incident which is the subject of this lawsuit occurred at 400 N. Waccamaw Drive Unit 303, Murrells Inlet, South Carolina. This address is located in the County of Horry, State of South Carolina.

10. This Court therefore has personal jurisdiction of the Defendants pursuant to Rule 4(k)(1)(A) of the Federal Rules of Civil Procedure.

11. Venue is proper in this Court pursuant to 28 U.S.C. §1391(c)(2) and 28 U.S.C. §1391(b)(2).

12. On or about June 18, 2022, Plaintiff was an invitee and vacation renter, lawfully on property owned by Defendant Owners and maintained and marketed by all Defendants jointly and severally, specifically the vacation unit located at 400 N. Waccamaw Drive Unit 303, Murrells Inlet, South Carolina.

13. On or about June 18, 2022, Plaintiff was sitting on a hanging swing suspended from the ceiling located on the back balcony. The swing was poorly, negligently, and improperly maintained and/or repaired. Suddenly and without warning, the swing collapsed, resulting in Plaintiff sustaining serious personal injuries.

14. That the injuries and damages sustained were directly and proximately caused by the following negligent, reckless, willful and grossly negligent acts of Defendants, jointly and severally, all in violation of the statutes and common laws in the State of South Carolina, combining and concurring in:

- a. Failing to properly maintain the vacation unit, specifically the hanging swing on the porch;
- b. Failing to properly repair the hanging swing on the porch;
- b. Failing to warn vacation renters and invitees of the hazardous conditions of the swing on the subject property;
- c. Failing to maintain the vacation unit free of hazards after Defendants knew or should have known of the presence of the hazards;
- d. Failing to properly inspect the subject property; and
- e. Failing to use due care as a reasonable and prudent property owner, manager, employee, and company should, under the circumstances then and there prevailing;

All of which were a violation of duties Defendants owed, jointly and severally, to the Plaintiff and other vacation renters and invitees, and were the direct and proximate cause of the Plaintiff's injuries and damages as set forth more fully below, said acts being in violation of the laws of the State of South Carolina.

15. That as a direct and proximate result of the aforesaid negligent; reckless, willful, and grossly negligent acts of the Defendants, Plaintiff has:

- a. Suffered and continue to suffer injuries and damages;
- b. Incurred and will continue to incur medical expenses related to the injuries caused by the Defendants;
- c. Suffered and continue to suffer physically and mentally;
- d. Suffered and continue to suffer mental anguish and emotional distress;
- e. Suffered and continue to suffer a loss of enjoyment of life; and,

- f. Suffered and continue to suffer other damages to be proven at trial;

WHEREFORE, the Plaintiff prays unto this Honorable Court as follows:

- a. For a finding of liability, jointly and severally, among the Defendants;
- b. For an award of actual damages in an amount to be determined by the trier of fact;
- c. For an award of punitive damages in an amount to be determined by the trier of fact;
- d. For pre-judgment and post-judgment interest;
- e. For a trial by jury; and
- f. For such other and further relief as this Court may deem just, equitable and proper including attorney fees and costs.

JURY TRIAL DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiff demands a trial by jury in this action of all issues so triable.

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Attorney for Plaintiff

September 3, 2024
Conway, South Carolina